

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**MARY IONELLA KNIGHT, et al.,**

**Plaintiffs,**

**v.**

**CNS INTERNATIONAL MINISTRIES, INC.,**

**et al.,**

**Defendants.**

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**No. 05-1145-CV-W-ODS**

**NOTICE OF REMOVAL**

Defendants Charles N. Sharpe Foundation, CNS Corporation, and David Melton file this Notice of Removal pursuant to 28 U.S.C. §§ 1441, 1446 and 1332. As grounds therefore, they state:

1. Plaintiffs Mary Ionella Knight and Mark Stajduhar, through their attorneys, have filed a petition in the Circuit Court of Jackson County, Missouri, purporting to sue defendants on behalf of a class of persons numbering “several hundred or thousand or more” (see attached Petition, p. 8, ¶ 37), and have claimed that the members of this class have suffered serious injuries resulting from intentional and negligent infliction of emotional distress, assault, battery, fraud, negligence, negligence per se, breach of express warranties, negligent misrepresentation, breach of contract, negligent hiring/retention, and clergy malpractice. If, as plaintiffs’ petition alleges, there are potentially 1,000 or more class members, a \$5,000,000 aggregate limit would result in the class members receiving \$5,000 per member for the serious injuries alleged.

2. For each of their thirteen counts, plaintiffs pray for damages in excess of \$25,000.00 “but not to exceed five million dollars (\$5,000,000.00) exclusive of interest and costs,” plus pre-judgment interest under Missouri law and “attorney fees.” Accordingly, in each

count, plaintiffs' prayer includes an amount in controversy greater than \$5,000,000.00. In the aggregate, plaintiffs' thirteen-count petition states an amount in controversy of more than \$65,000,000.00.\* Plaintiffs' thirteen prayers for relief contradict plaintiffs' general allegation that the amount in controversy "does not exceed the sum or value of \$5,000,000.00 in the aggregate, exclusive of interest and costs." Petition p. 9, ¶ 42.

3. Under 28 U.S.C. §1332(d)(2)(A), this Court has original jurisdiction in any civil action "in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs" (but not exclusive of attorney fees, which are claimed by plaintiffs), and is a class action in which "any member of a class of plaintiffs is a citizen of a State different from any defendant." In the case at bar, plaintiff Mark Stajduhar is a citizen of the State of Illinois, and all the defendants that have been served to date are citizens of Missouri. While defendants are not certain of the citizenship of plaintiff Mary Ionella Knight, defendants are certain that she is not a citizen of Texas, which is where defendant Amy Wilson is a citizen. Accordingly, under the minimal diversity required under 28 U.S.C. §1332(d)(2)(A), this Court has original jurisdiction, and the removal requested herein is proper.

4. On October 17, 2005, the undersigned defendants were served with the Summons and Complaint, copies of which are attached hereto pursuant to 28 U.S.C. §1446(a). In compliance with 28 U.S.C. §1446(b), this Notice of Removal is filed with this Court within thirty days after receipt of a copy of the initial pleading setting forth the claim for relief upon which this action or proceeding is based and within thirty days after service of summons. A copy of all process, pleadings and orders, as required by 28 U.S.C.A. § 1446(a), is attached hereto.

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\* Defendants do not believe they are liable and do not believe any plaintiff has been damaged; the amount in controversy is derived from a reasonable reading of the petition.

5. This Notice of Removal is signed pursuant to Rule 11, Fed. R. Civ. P.

WHEREFORE, for each of the foregoing reasons, defendants Charles N. Sharpe Foundation, CNS Corporation and David Melton, file this Notice of Removal, removing this case from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri pursuant to the provisions of 28 U.S.C. §§ 1441, 1446 and 1332.

Dated: November 16, 2005

/Richard F. Modin/

One of the attorneys for defendants  
Charles N. Sharpe Foundation, CNS Corporation  
and David Melton

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was served electronically and via first-class mail, postage prepaid, this 16th day of November, 2005, upon:

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